

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 15055 of 2007(P)

PETITIONER:

KERALA HOTEL AND RESTAURANT ASSOCIATION,
GANDHI NAGAR UNIT, KOTTAYAM DISTRICT,
REP. BY ITS SECRETARY, SANTHOSH KUMAR.K.,
S/O.P.K.KRISHNAPILLA, AGED 37 YEARS, SANTHOSH
BHAVAN, GANDHI NAGAR P.O., KOTTAYAM.

BY ADV. SRI.MANOJ P.KUNJACHAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KOTTAYAM.
2. THE SUB INSPECTOR OF POLICE,
GANDHI NAGAR POLICE STATION, KOTTAYAM.
3. THE SECRETARY, ARPOOKKARA GRAMA
PANCHAYATH, KOTTAYAM DISTRICT.
4. K.K.VIJAYAN, S/O.KUTTAN,
THADATHIL HOUSE, GANDHI NAGAR P.O.,
KOTTAYAM.
5. E.K.SUKUMARAN, PUNNAMATTATHIL HOUSE,
GANDHI NAGAR, PERUMBAIKKADU, KOTTAYAM.
6. ULAHANNAN JOSEPH, THOPPIL HOUSE,
PERUMBAIKKADU VILLAGE, GANDHI NAGAR P.O.,
KOTTAYAM.
7. K.J.THOMAS, INJIPARAMBIL HOUSE,
ARPOOKKARA KARA, ARPOOKKARA.

GOVERNMENT PLEADER SMT.MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

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Dated this the 5th June, 2007

JUDGMENT

H.L.DATTU, C.J.

Petitioner is an association. The members of the association are owners of hotels and restaurants at Gandhi Nagar in Kottayam District.

2. They are before this Court: (1) for a direction to respondents 1 to 3 to take appropriate action to stop the so called illegal and unauthorised functioning of the “thattukadas” which, according to them, are preparing and serving food items at Gandhi Nagar in Arpookkara Panchayat in Kottayam District; (2) for a direction to the respondents to consider the representation said to have been filed by the Association within a reasonable time; and (3) for a declaration that the functioning of “thattukadas” which are preparing and serving food items at Gandhi Nagar in Arpookkara Panchayat in Kottayam District is illegal.

3. In our view, for the reliefs of this writ petition, the petitioner has to approach the appropriate civil forum, may be by filing a representative civil suit by making the persons who are conducting business in “thattukadas” as parties to the litigation. The civil court, after taking the evidence that the parties may adduce, may issue appropriate declaration. In that view of the matter, we are not inclined to entertain this writ petition. Accordingly, the writ petition is rejected with liberty

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to the Association, if they so desire, to approach the civil court for appropriate reliefs.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/